IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

MISC. CIVIL APPLICATITION NO.92 OF 2005

M/s.Tasleem Constructions. ...Petitioner.

Vs.

Smt.Hajirabegam Nissar & Ors. ...Respondents.

....

Mr. P.B. Shah for the Petitioner.

Mrs.Neeta Karnik Respondent Nos.1 to 3.

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CORAM : DR. D.Y. CHANDRACHUD, J.

December 9, 2005.

P.C.:

There is no merit in the application for transfer. There is a consent decree of 1996 which has been set into execution. The executing court is seized of the execution proceedings but, the Petitioner-Builder, it has been stated, moved an application at Exh.5 in the suit which has been instituted before the Civil Judge, Senior Division for challenging the consent terms and obtained ad-interim stay of the execution proceedings. There is absolutely no merit in the application for transfer. The Learned Trial Judge in RCS No.247 of 2002 shall hear and dispose of the application at Exh.5 expeditiously and at any rate within a period of four weeks from the date on which an authenticated copy is this order is

produced before him. The Misc. Civil Application is dismissed.

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